

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**05 1 1001 EFH**

ROLLERBLADE USA CORP.,

Plaintiff

v.

INCHWORM, INC.,

Defendant.

C.A. No.

MAGISTRATE JUDGE MBB

RECEIPT # 64286
 AMOUNT \$ 250
 SUMMONS ISSUED yes
 LOCAL RULE 4.1 1
 WAIVER FORM 1
 MCF ISSUED 1
 BY DPTY. CLK. F.O.M
 DATE 5/12/05

COMPLAINT FOR DECLARATORY JUDGMENT

This is an action for a declaratory judgment under 28 U.S.C. §§ 2201 and 2202 that U.S. Patent No. 6,883,254, U.S. Patent No. 6,817,116, U.S. Patent No. 6,807,754, U.S. Patent No. 6,574,888, and U.S. Patent No. 6,438,872 (collectively, "the Inchworm Patents") are invalid, unenforceable, and/or not infringed by plaintiff Rollerblade USA Corp. ("Rollerblade").

I. The Parties

1. Rollerblade is a New Jersey corporation with its principal place of business at 3705 Quakerbridge Road, Hamilton, New Jersey. Rollerblade designs, manufactures, and markets in-line roller skates and related products.

2. Defendant Inchworm, Inc. ("Inchworm") is, on information and belief, a Massachusetts corporation with its principal place of business at 850 Albany Street, Boston, Massachusetts.

3. Inchworm is, on information and belief, affiliated with Harry Miller Co., Inc., which, like Inchworm, has its principal place of business at 850 Albany Street, Boston, Massachusetts.

II. The Inchworm Patents

4. Mr. Harry Miller is named as an inventor on each of the Inchworm Patents. According to the information provided on the Inchworm Patents, Mr. Miller is a resident of Weston, Massachusetts.

5. Each of the Inchworm Patents is entitled “Expandable Shoe and Shoe Assemblies” and the claims of all of the Inchworm Patents relate to size-adjustable shoes.

6. All of the Inchworm patents are “related” to each other, i.e., they all claim priority from the same patent application.

7. On information and belief, Inchworm is currently the owner of all right, title, and interest in the Inchworm patents.

III. Jurisdiction and Venue

8. This Court has subject matter jurisdiction in that this action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*, and thus presents a federal question under 28 U.S.C. § 1331 and one in which exclusive jurisdiction exists in federal court under 28 U.S.C. § 1338. This Court also has subject matter jurisdiction under 28 U.S.C. § 1332 because there is complete diversity between the parties and the amount of controversy exceeds \$75,000, exclusive of interest and costs.

9. This Court has personal jurisdiction over Inchworm, Inc. pursuant to Mass. G.L. c. 223A, § 3.

10. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) and (c).

IV. Background

11. On information and belief, Inchworm transacts and does business in the Commonwealth of Massachusetts, including selling goods and services related to the subject matter of the Inchworm Patents.

12. Inchworm has threatened Rollerblade with litigation of the alleged infringement of at least three of the Inchworm patents.

13. On or about November 5, 2004, Inchworm sent a letter to Rollerblade's parent company, specifically alleging that Rollerblade infringes U.S. Patent No. 6,438,872 and U.S. Patent No. 6,574,888. The letter contends that "Rollerblade USA is making and offering for sale size-adjustable in-line skates that infringe Inchworm's US Patents Nos. 6,438,872 and 6,574,888."

14. The parties have had subsequent contacts in which Rollerblade has denied infringement of the Inchworm patents and Inchworm has maintained its position that Rollerblade is infringing at least certain Inchworm patents. For example, on February 1, 2005, Inchworm sent a letter to Rollerblade's counsel, specifically alleging infringement of U.S. Patent No. 6,438,872, U.S. Patent No. 6,574,888, and U.S. Patent No. 6,817,116.

15. On or about April 22, 2005, Inchworm filed a complaint in the U.S. District Court for the Western District of Washington, alleging that entities identified as "Rollerblade, Inc." and "Nordica S.p.A." infringe three of the Inchworm Patents (U.S. Patent No. 6,438,872, U.S. Patent No. 6,574,888, and U.S. Patent No. 6,817,116).

16. On April 25, 2005, U.S. Patent No. 6,883,254 issued.

17. Rollerblade has a reasonable apprehension that Inchworm will file suit against Rollerblade (*i.e.*, "Rollerblade USA Corp.") for infringement of the Inchworm Patents.

18. Rollerblade has a reasonable apprehension that Inchworm will amend the complaint filed in the Western District of Washington to name Rollerblade (*i.e.*, “Rollerblade USA Corp.”) as a defendant.

19. Rollerblade has a reasonable apprehension that Inchworm will file suit against Rollerblade, alleging infringement of U.S. Patent No. 6,883,254, and U.S. Patent No. 6,807,754, which were not identified in the complaint that Inchworm filed against “Rollerblade Inc.” and “Nordica S.p.A.” in the Western District of Washington.

20. An actual controversy exists between the parties with respect to the validity, enforceability and infringement of each of the Inchworm Patents.

21. Rollerblade’s products and services do not infringe any claim of the Inchworm Patents.

22. The Inchworm Patents are invalid for failure to meet the conditions of patentability of 35 U.S.C. § 101, *et seq.*

23. When prosecuting the Inchworm Patents, Inchworm and the inventors misled the United States Patent and Trademark Office (the “PTO”) and failed to disclose material information to the PTO, including but not limited to Inchworm’s failure to disclose the prior art reference U.S. Patent No. 5,678,833 and U.S. Patent No. 5,913,526, both entitled “Adjustable Fit In-Line Skate.” Inchworm failed to disclose material information with the intent of deceiving the PTO.

24. Each of the Inchworm Patents is unenforceable because Inchworm committed inequitable conduct in procuring the Inchworm Patents.

Count I
Declaratory Judgment of Noninfringement
(U.S. Patent No. 6,883,254)

25. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

26. No Rollerblade product or service infringes U.S. Patent No. 6,883,254.

27. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning infringement of U.S. Patent No. 6,883,254.

28. Rollerblade is entitled to a declaration that U.S. Patent No. 6,883,254 is not infringed by any Rollerblade product or service.

Count II
Declaratory Judgment of Invalidity
(U.S. Patent No. 6,883,254)

29. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

30. U.S. Patent No. 6,883,254 is invalid under 35 U.S.C. §§ 101 *et seq.*

31. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the validity of U.S. Patent No. 6,883,254.

32. Rollerblade is entitled to a declaration that U.S. Patent No. 6,883,254 is invalid.

Count III
Declaratory Judgment of Unenforceability
(U.S. Patent No. 6,883,254)

33. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

34. When prosecuting the 6,883,254 patent, Inchworm and the inventors misled the United States Patent and Trademark Office (the "PTO") and failed to disclose material

information to the PTO, including but not limited to Inchworm's failure to disclose the prior art references U.S. Patent No. 5,678,833 and U.S. Patent No. 5,913,526, both entitled "Adjustable Fit In-Line Skate."

35. Inchworm knew of such information during prosecution of this patent.

36. Inchworm's failure to disclose such material information was with the intent of deceiving the PTO.

37. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the enforceability of U.S. Patent No. 6,883,254.

38. Rollerblade is entitled to a declaration that U.S. Patent No. 6,883,254 is unenforceable.

Count IV
Declaratory Judgment of Noninfringement
(U.S. Patent No. 6,817,116)

39. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

40. No Rollerblade product or service infringes U.S. Patent No. 6,817,116.

41. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning infringement of U.S. Patent No. 6,817,116.

42. Rollerblade is entitled to a declaration that U.S. Patent No. 6,817,116 is not infringed by any Rollerblade product or service.

Count V
Declaratory Judgment of Invalidity
(U.S. Patent No. 6,817,116)

43. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

44. U.S. Patent No. 6,817,116 is invalid under 35 U.S.C. §§ 101 *et seq.*

45. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the validity of U.S. Patent No. 6,817,116.

46. Rollerblade is entitled to a declaration that U.S. Patent No. 6,817,116 is invalid.

Count VI
Declaratory Judgment of Unenforceability
(U.S. Patent No. 6,817,116)

47. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

48. When prosecuting the 6,817,116 patent, Inchworm and the inventors misled the United States Patent and Trademark Office (the “PTO”) and failed to disclose material information to the PTO, including but not limited to Inchworm’s failure to disclose the prior art references U.S. Patent No. 5,678,833 and U.S. Patent No. 5,913,526, both entitled “Adjustable Fit In-Line Skate.”

49. Inchworm knew of such information during prosecution of this patent.

50. Inchworm’s failure to disclose such material information was with the intent of deceiving the PTO.

51. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the enforceability of U.S. Patent No. 6,817,116.

52. Rollerblade is entitled to a declaration that U.S. Patent No. 6,817,116 is unenforceable.

Count VII
Declaratory Judgment of Noninfringement
(U.S. Patent No. 6,807,754)

53. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

54. No Rollerblade product or service infringes U.S. Patent No. 6,807,754.

55. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning infringement of U.S. Patent No. 6,807,754.

56. Rollerblade is entitled to a declaration that U.S. Patent No. 6,807,754 is not infringed by any Rollerblade product or service.

Count VIII
Declaratory Judgment of Invalidity
(U.S. Patent No. 6,807,754)

57. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

58. U.S. Patent No. 6,807,754 is invalid under 35 U.S.C. §§ 101 *et seq.*

59. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the validity of U.S. Patent No. 6,807,754.

60. Rollerblade is entitled to a declaration that U.S. Patent No. 6,807,754 is invalid.

Count IX
Declaratory Judgment of Unenforceability
(U.S. Patent No. 6,807,754)

61. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

62. When prosecuting the 6,807,754 patent, Inchworm and the inventors misled the United States Patent and Trademark Office (the "PTO") and failed to disclose material

information to the PTO, including but not limited to Inchworm's failure to disclose the prior art references U.S. Patent No. 5,678,833 and U.S. Patent No. 5,913,526, both entitled "Adjustable Fit In-Line Skate."

63. Inchworm knew of such information during prosecution of this patent.

64. Inchworm's failure to disclose such material information was with the intent of deceiving the PTO.

65. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the enforceability of U.S. Patent No. 6,807,754.

66. Rollerblade is entitled to a declaration that U.S. Patent No. 6,807,754 is unenforceable.

Count X
Declaratory Judgment of Noninfringement
(U.S. Patent No. 6,574,888)

67. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

68. No Rollerblade product or service infringes U.S. Patent No. 6,574,888.

69. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning infringement of U.S. Patent No. 6,574,888.

70. Rollerblade is entitled to a declaration that U.S. Patent No. 6,574,888 is not infringed by any Rollerblade product or service.

Count XI
Declaratory Judgment of Invalidity
(U.S. Patent No. 6,574,888)

71. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

72. U.S. Patent No. 6,574,888 is invalid under 35 U.S.C. §§ 101 *et seq.*

73. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the validity of U.S. Patent No. 6,574,888.

74. Rollerblade is entitled to a declaration that U.S. Patent No. 6,574,888 is invalid.

Count XII
Declaratory Judgment of Unenforceability
(U.S. Patent No. 6,574,888)

75. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

76. When prosecuting the 6,574,888 patent, Inchworm and the inventors misled the United States Patent and Trademark Office (the “PTO”) and failed to disclose material information to the PTO, including but not limited to Inchworm’s failure to disclose the prior art references U.S. Patent No. 5,678,833 and U.S. Patent No. 5,913,526, entitled “Adjustable Fit In-Line Skate.”

77. Inchworm knew of such information during prosecution of this patent.

78. Inchworm’s failure to disclose such material information was with the intent of deceiving the PTO.

79. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the enforceability of U.S. Patent No. 6,574,888.

80. Rollerblade is entitled to a declaration that U.S. Patent No. 6,574,888 is unenforceable.

Count XIII
Declaratory Judgment of Noninfringement
(U.S. Patent No. 6,438,872)

81. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

82. No Rollerblade product or service infringes U.S. Patent No. 6,438,872.

83. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning infringement of U.S. Patent No. 6,438,872.

84. Rollerblade is entitled to a declaration that U.S. Patent No. 6,438,872 is not infringed by any Rollerblade product or service.

Count XIV
Declaratory Judgment of Invalidity
(U.S. Patent No. 6,438,872)

85. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

86. U.S. Patent No. 6,438,872 is invalid under 35 U.S.C. §§ 101 *et seq.*

87. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the validity of U.S. Patent No. 6,438,872.

88. Rollerblade is entitled to a declaration that U.S. Patent No. 6,438,872 is invalid.

Count XV
Declaratory Judgment of Unenforceability
(U.S. Patent No. 6,438,872)

89. Rollerblade incorporates the allegations of the preceding paragraphs as if fully set forth herein.

90. When prosecuting the 6,438,872 patent, Inchworm and the inventors misled the United States Patent and Trademark Office (the "PTO") and failed to disclose material

information to the PTO, including but not limited to Inchworm's failure to disclose the prior art references U.S. Patent No. 5,678,833 and U.S. Patent No. 5,913,526, both entitled "Adjustable Fit In-Line Skate."

91. Inchworm knew of such information during prosecution of this patent.

92. Inchworm's failure to disclose such material information was with the intent of deceiving the PTO.

93. An actual and justiciable controversy exists between Rollerblade and Inchworm concerning the enforceability of U.S. Patent No. 6,438,872.

94. Rollerblade is entitled to a declaration that U.S. Patent No. 6,438,872 is unenforceable.

Request for Relief

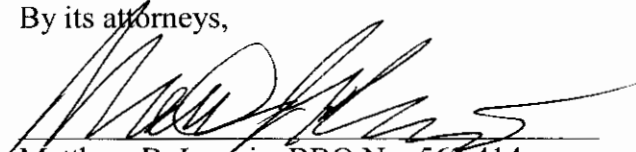
WHEREFORE, Rollerblade respectfully requests that this Court:

1. declare that none of Inchworm Patents is infringed (1) by any product made, used, imported, offered for sale, or sold by Rollerblade or (2) by any service performed by or on behalf of Rollerblade, or offered for sale or sold by Rollerblade;
2. declare that each of the Inchworm Patents is invalid
3. declare that each of the Inchworm Patents is unenforceable;
4. enter judgment in favor of Rollerblade on each of its claims;
5. award Rollerblade its attorneys' fees and costs in this action; and

6. grant to Rollerblade such further relief as is just and warranted under the circumstances.

ROLLERBLADE USA CORP.

By its attorneys,

A handwritten signature in black ink, appearing to read 'Matthew B. Lowrie', is written over a horizontal line.

Dated: May 13, 2005

Matthew B. Lowrie, BBO No. 563,414
Robert J. Silverman, BBO No. 633,164
Lowrie, Lando & Anastasi, LLP
Riverfront Office Park
One Main Street, 11th Floor
Cambridge, MA 02142
Tel: 617-395-7000
Fax: 617-395-7070

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) ROLLERBLADE USA CORP. V. INCHWORM, INC.
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☒ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES ☐ NO ☒
If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☒ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Matthew B. Lowrie, Esq.ADDRESS One Main Street, Cambridge, MA 02142TELEPHONE NO. (617) 395-7000

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ROLLERBLADE USA CORP.

(b) County of Residence of First Listed Plaintiff **MERCER**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Matthew B. Lowrie, Esq.
Lowrie, Lando & Anastasi, LLP
One Main Street, Cambridge, MA 02142

DEFENDANTS

INCHWORM, INC.

County of Residence of First Listed Defendant **SUFFOLK**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ PTF 1 ☐ DEF 1
- Citizen of Another State ☐ 2 ☐ 2
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3
- Incorporated or Principal Place of Business In This State ☐ PTF 4 ☐ DEF 4
- Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Custom or Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Declaratory Judgment under 28 U.S.C. Sections 2201 and 2202.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE May 11, 2005

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____